

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Alexander A. KHROMYKH

Serial No.: 10/559,146

Filed: 05 December 2005

Based on Intl. Appln. PCT/AU2004/000752

Intl. Filing Date: 07 June 2004

For: FLAVIVIRUS REPLICON
PACKAGING SYSTEM

-) Our Ref. 45930.5.1
-) Art Unit: *Unknown*
-)
-)
-) I hereby certify that this correspondence is being:
-) deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450
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on this 24 day of May, 2006By Madely J. Thompson

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RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371

This submission is filed in response to Notification of Missing Requirements Under 35 U.S.C. 371, mailed February 24, 2006, submitted herewith are:

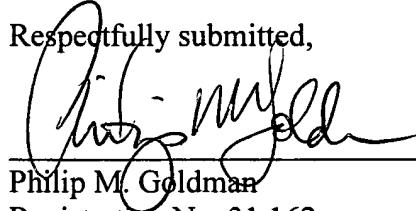
- 1) A copy of the Notification of Missing Requirements;
- 2) Declaration for Patent Application;
- 3) Submission of "Sequence Listing," Computer Readable Copy, and/or Amendment Pertaining Thereto For Biotechnology Invention Containing Nucleotide and/or Amino Acid Sequence;
- 4) A sequence listing in paper form;
- 5) A sequence listing in computer-readable form; and
- 6) Petition for Extension of Time and check in the amount of \$120.00 for filing fees.

In light of the above, it is believed that the applicants have complied with all of the requirements set forth in the Notification of Missing Requirements Under 35 U.S.C. 371, mailed February 24, 2006.

If any further information is needed to process the present application, the undersigned would welcome a telephone call at the number listed below.

Dated: 24 May 2006

Respectfully submitted,


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| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
|-----------------------------|-----------------------|------------------|
| 10/559,146 | Alexander Khromykh | 45930.5.1 |

| INTERNATIONAL APPLICATION NO. | |
|-------------------------------|--|
| PCT/AU04/00752 | |

| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|
| 06/07/2004 | 06/06/2003 |

22859
INTELLECTUAL PROPERTY GROUP
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200 SOUTH SIXTH STREET
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MINNEAPOLIS, MN 55402

CONFIRMATION NO. 9049

371 FORMALITIES LETTER



OC000000018110486

Date Mailed: 02/24/2006

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 12/05/2005
- Copy of the International Search Report filed on 12/05/2005
- Copy of IPE Report filed on 12/05/2005
- Preliminary Amendments filed on 12/05/2005
- Information Disclosure Statements filed on 12/05/2005
- Request for Immediate Examination filed on 12/05/2005
- U.S. Basic National Fees filed on 12/05/2005
- Priority Documents filed on 12/05/2005

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- This application clearly fails to comply with the requirements of 37 CFR 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment specifically directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825

(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821 (e) may be submitted in lieu of a new CRF.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ ebc@uspto.gov**

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

ANITA D JOHNSON

Telephone: (703) 308-9140 EXT 226

PART 2 - OFFICE COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/559,146 | PCT/AU04/00752 | 45930.5.1 |